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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,126	12/10/2003	Dae-Gunn Jei	P57004	4688
7590	09/14/2005		EXAMINER	
Robert E. Bushnell 1522 K Street, N.W., Suite 300 Washington, DC 20005-1202			DESIR, PIERRE LOUIS	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>SUPPLEMENTAL</b>  <b>Office Action Summary</b>	<b>Application No.</b> 10/731,126	<b>Applicant(s)</b> JEI, DAE-GUNN	
	<b>Examiner</b> Pierre-Louis Desir	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                    |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                               | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Dec. 10, 2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the additional function" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Note: for the process of examination "the additional function" will be interpreted as "an additional function."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (Okada), Pub. No. US 20030100347.

Regarding claim 1, Okada discloses a multi-purpose hybrid terminal (i.e., an electronic apparatus having game and phone functions) (see abstract), comprising: an input section for receiving a user's demand to implement an additional function while the hybrid terminal remains in a phone mode accommodating performance of a communication function (i.e., operation of the game start key causes a shift from a phone mode to a game mode, and the device can still detect an incoming call) (see page 3, paragraphs 76, and 78); a memory for storing the user's demand (storing means) (see page 1, paragraph 9); a monitoring section for monitoring whether a condition that satisfies the user's demand is met while the terminal remains in the phone mode corresponding to said communication function (i.e., when the interruption key to interrupt the game is operated, the first predetermined value is set to the first register, wherein the game is interrupted by the interrupting means, which would enable a monitoring operation associated with the cellular phone function) (see page 1, paragraphs 7-8); a execute section for performing at least one task for implementing the additional function when a satisfaction of the condition satisfying the user's demand is detected by the monitoring (i.e., detection of the incoming call is executed, and when there is an incoming call the output of the BGM is interrupted for the implementation of the phone function) (see page 3, paragraph 78); and a mode change section for changing the phone mode to a different mode corresponding to the additional function mode (i.e., game start key) (see page 3, paragraph 76).

Regarding claim 2, Okada discloses a terminal (see claim 1 rejection) further comprising an alarm for informing the user of the completion of said task (i.e., after the communication is completed, the tome of the game screen is restored) (see page 3, paragraph 78).

Regarding claim 3, Okada discloses a terminal (see claim 1 rejection) wherein said input section includes a key disposed to trigger a change from the phone mode to the additional function mode (i.e., game start key) (see page 3, paragraph 76).

Regarding claim 4, Okada discloses a multi-purpose hybrid terminal (i.e., an electronic apparatus having game and phone functions) (see abstract), comprising: an input section for receiving a user's demand for implementing an additional function (i.e., operation of the game start key causes a shift from a phone mode to a game mode, and the device can still detect an incoming call) (see page 3, paragraphs 76, and 78); a memory for storing the inputted user's demand (storing means) (see page 1, paragraph 9); a monitoring section for monitoring whether a condition satisfying the user's demand is met during a phone mode that accommodates wireless communication via the terminal (i.e., when the interruption key to interrupt the game is operated, the first predetermined value is set to the first register, wherein the game is interrupted by the interrupting means, which would enable a monitoring operation associated with the cellular phone function) (see page 1, paragraphs 7-8); a execute section for performing at least one task for implementing the additional function when the condition has been met (i.e., detection of the incoming call is executed, and when there is an incoming call the output of the BGM is interrupted for the implementation of the phone function) (see page 3, paragraph 78); a mode change section for changing the phone mode to the additional function mode (i.e., game start key) (see page 3, paragraph 76); a first processor including an alarm section for informing the user of the completion of said task (i.e., phone CPU) (see page 3, paragraphs 78 and 81); a second processor for processing the additional function (i.e., game CPU) (see page 4, paragraph 82); and a dual port memory for exchanging data between the first processor and the second

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processor (i.e., between the phone CPU and the game CPU, a direct correspondence of an interruption request and transmission data are performed in addition to the correspondence of data via the 8 bit-bus 38 (see page 4, paragraph 83).

Regarding claim 5, Okada discloses a terminal (see claim 4 rejection) wherein the additional function performed by said second processor is a game function that is operationally responsive to commands received by the terminal via the input section (a CPU 40 for game processing (game CPU) is directly connected with the game key (see page 4, paragraph 82).

Regarding claim 6, Okada discloses a terminal (see claim 5 rejection) wherein said second processor includes a main arithmetic unit for controlling a game function (game key 22) (see page 3, paragraph 74), a memory for storing data according to an algorithm executing the game function (i.e., VRAM) (see page 4, paragraph 92), and a multimedia card reader for reading a multimedia card (i.e., flash memory stored the game program, which is inherently read for game function) (see page 4, paragraph 91).

Regarding claim 12, Okada discloses a multi-purpose hybrid terminal having a communication function and at least one additional function (i.e., an electronic apparatus having game and phone functions) (see abstract), comprising: an input section for receiving a user's demand for implementing an additional function while the terminal remains in a phone mode accommodating wireless communication (i.e., operation of the game start key causes a shift from a phone mode to a game mode, and the device can still detect an incoming call) (see page 3, paragraphs 76, and 78); a memory for storing the user's demand (storing means) (see page 1, paragraph 9); a monitoring section for monitoring whether a condition that satisfies the user's demand is met during the phone mode (i.e., when the interruption key to interrupt the game is

operated, the first predetermined value is set to the first register, wherein the game is interrupted by the interrupting means, which would enable a monitoring operation associated with the cellular phone function) (see page 1, paragraphs 7-8); a execute section for performing at least one task for implementing the additional function when the condition that satisfies the user's demand is detected by the monitoring (i.e., detection of the incoming call is executed, and when there is an incoming call the output of the BGM is interrupted for the implementation of the phone function) (see page 3, paragraph 78); an alarm section for informing the user of the completion of the task (i.e., after the communication is completed, the tome of the game screen is restored) (see page 3, paragraph 78); and a mode change section for shifting the terminal from the phone mode to the additional function mode (i.e., game start key) (see page 3, paragraph 76).

Regarding claim 13, Okada discloses method comprising: a first step of receiving and storing in a multipurpose hybrid terminal having a wireless communication function, a user's demand for implementing an additional function (see page 1, paragraph 9, and page 3, paragraphs 76 and 78); a second step of monitoring whether a condition that satisfies the user's demand is met during a phone mode that enables said communication function (i.e., when the interruption key to interrupt the game is operated, the first predetermined value is set to the first register, wherein the game is interrupted by the interrupting means, which would enable a monitoring operation associated with the cellular phone function) (see page 1, paragraphs 7-8); a third step of performing at least one task for implementing the additional function when the condition that satisfies the user's demand is met (i.e., detection of the incoming call is executed, and when there is an incoming call the output of the BGM is interrupted for the implementation of the phone function) (see page 3, paragraph 78); and a fourth step of informing the user of the

completion of preparation for implementing the additional function upon completion of said task (i.e., after the communication is completed, the tone of the game screen is restored) (see page 3, paragraph 78).

Regarding claim 14, Okada discloses a method (see claim 13 rejection) further comprising a fifth step of changing the hybrid terminal to a different mode accommodating execution of the additional function (i.e., game start key) (see page 3, paragraph 76).

Regarding claim 15, Okada discloses a method (see claim 13 rejection) further comprising a step of determining whether the user has inputted a command for mode change before shifting the terminal from the phone mode to a different mode that enables execution of said additional function (i.e., if the operator operates the game start key in the incoming call stand-by state, an operation mode is shifted from a phone mode to a game mode) (see page 3, paragraph 76).

Regarding claim 16, Okada discloses a method (see claim 14 rejection) comprising determining whether the user has requested a shift of the terminal from the phone mode to a different mode that enables said additional function (i.e., operation of the game start key) (see page 3, paragraph 76).

Regarding claim 17, Okada discloses a computer-readable medium bearing computer-executable instructions for performing a process, comprising: storing in a hybrid terminal providing a phone mode supporting a communication function and a different mode supporting another function (i.e., an electronic apparatus having game and phone functions) (see abstract), a demand from a user for the hybrid terminal to implement the additional function (i.e., operation of the game start key causes a shift from a phone mode to a game mode, and the device can still



detect an incoming call) (see page 3, paragraphs 76, and 78); while the hybrid terminal is in said phone mode, making a determination of whether a condition satisfying the user's demand has been satisfied (see page 1, paragraphs 7-8); during said phone mode and without interruption of said communication function, performing at least one task for implementing an additional function when said determination establishes that said condition has been satisfied (i.e., operation of the game start key causes a shift from a phone mode to a game mode, and the device can still detect an incoming call) (see page 3, paragraphs 76, and 78); and transmitting to the user an indication of a completion of said task (i.e., after the communication is completed, the tone of the game screen is restored) (see page 3, paragraph 78).

Regarding claim 18, Okada discloses a medium (see claim 17 rejection) comprised of shifting from said phone mode to said different mode upon completion of said task (i.e., if the operator operates the game start key in the incoming call stand-by state, an operation mode is shifted from a phone mode to a game mode) (see page 3, paragraph 76).

Regarding claim 19, Okada discloses a medium (see claim 17 rejection) comprised of, during said phone mode performing said task by loading, without interrupting said communication function, a computer executable algorithm enabling implementation of the additional function (i.e., if the operator operates the game start key in the incoming call stand-by state, an operation mode is shifted from a phone mode to a game mode. Thus, pressing the game start key represents performing the task of loading a computer executable algorithm, which enables the shift to the game mode) (see page 3, paragraph 76).

Regarding claim 20, Okada discloses a medium (see claim 17 rejection) comprised of initially placing the terminal in a phone mode accommodating wireless communication via the terminal (see fig. 2, page 3, paragraph 75).

Regarding claim 21, Okada discloses a medium (see claim 17 rejection) comprised of: after transmitting said indication, making a decision of whether the user has responded to said indication by entering into the hybrid terminal a selection corresponding to the additional function (i.e., operation of the game start key) (see page 3, paragraph 76); and shifting from said phone mode to said different mode upon entry of said selection (i.e., an operation mode is shifted from a phone mode to a game mode) (see page 3, paragraph 76).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Barnes, JR, Pub. No. US 20050136949.

Regarding claim 7, Okada discloses a terminal as described above (see claim 4 rejection).

Although Okada discloses a terminal as described, Okada does not specifically disclose a terminal wherein the additional function performed by said second processor is a function of receiving a TV broadcast.

However, Barnes, JR discloses a device comprising a communications module, which includes hardware and software to allow the CPU to communicate with external devices and system (page 3, paragraph 37) wherein a device receives a digital signal from a remote receiver, which provides the signal in digital form to the device for immediate presentation e.g., as an MPEG-4 formatted television program (see page 4, paragraph 40).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to provide to the device the added ability to contemporaneously maintain a wireless voice and data link.

Regarding claim 8, Okada discloses a terminal as described above (see claim 4 rejection).

Although Okada discloses a terminal as described, Okada does not specifically disclose a terminal wherein the additional function performed by said second processor is a detection of a location via a global position satellite.

However, Barnes, JR discloses a device, which transmits location data that is determined by the device's GPS receiver (see page 22, paragraph 220).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to contemporaneously maintain a wireless voice and data link.

Regarding claim 9, Okada discloses a terminal as described above (see claim 4 rejection).

Although Okada discloses a terminal as described, Okada does not specifically disclose a terminal wherein the additional function performed by said second processor is a detection of a RFID indicator.

However, Barnes, JR discloses a device wherein a detection of a RFID indicator is performed (see page 25, paragraph 252).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have been to provide to the device the added ability to determine the location of the user continuously (see page 25, paragraph 25).

Regarding claim 10, Okada discloses a multi-purpose hybrid terminal (see abstract), comprising: an input section for receiving a user's demand for implementing an additional function (i.e., operation of the game start key causes a shift from a phone mode to a game mode, and the device can still detect an incoming call) (see page 3, paragraphs 76, and 78); a memory for storing the inputted user's demand and data according to the additional function algorithm (storing means) (see page 1, paragraph 9); a monitoring section for monitoring whether a condition that satisfies the user's demand is met while the terminal continues within a phone mode accommodating wireless communication via the terminal (i.e., when the interruption key to interrupt the game is operated, the first predetermined value is set to the first register, wherein the game is interrupted by the interrupting means, which would enable a monitoring operation associated with the cellular phone function) (see page 1, paragraphs 7-8); a execute section for performing at least one task for implementing the additional function when the condition that satisfies the user's demand is detected by the monitoring (i.e., detection of the incoming call is executed, and when there is an incoming call the output of the BGM is interrupted for the implementation of the phone function) (see page 3, paragraph 78); a mode change section for shifting the terminal from the phone mode to the additional function mode (i.e., game start key)

(see page 3, paragraph 76); an alarm section for informing the user of the completion of said task (i.e., after the communication is completed, the tone of the game screen is restored) (see page 3, paragraph 78).

Although Okada discloses a terminal as described, Okada does not specifically disclose a terminal comprising a peripheral used for implementing the additional function.

However, Barnes, JR discloses a device comprising a peripheral device used for implementing function (i.e., a removably detachable memory) (see page 3, paragraph 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have been to allow replacement if and when necessary, when the memory becomes full (see page 3, paragraph 29).

Regarding claim 11, Okada discloses a terminal as described above (see claim 10 rejection).

Although Okada discloses a terminal, which is a game phone (see abstract and figs. 1 and 4) wherein peripheral is a multimedia card reader for reading a multimedia card that stores a game program.

However, Barnes, JR discloses a device) wherein peripheral is a multimedia card reader for reading a multimedia card that stores a program (see page 3, paragraph 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have been to allow replacement if and when necessary, when the memory becomes full (see page 3, paragraph 29).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312.

The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre-Louis Desir  
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08/07/2005

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PRIMARY EXAMINER

